



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8960**

May 22, 2023

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER – PROMPT REPLY REQUESTED
CERTIFIED MAIL – RETURN RECEIPT REQUESTED
AND VIA EMAIL

Kelly Rose
Legal and General Counsel
ConocoPhillips
P.O. Box 2197
Houston, Texas 77252-2197
Kelly.rose@conocophillips.com

SUBJ: Request for Information Pursuant to Section 104 of CERCLA regarding the Barite Hill/Nevada Goldfields, Inc. Superfund Site located in McCormick, McCormick County, South Carolina

Dear Ms. Rose:

The purpose of this letter is to request that you respond to the enclosed Information Request. The United States Environmental Protection Agency (EPA) is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Barite Hill/Nevada Goldfields Superfund Site (Site). The EPA has collected records indicating that part of the Site was previously leased by entities potentially associated with ConocoPhillips. EPA's investigation requires further inquiry into the ownership and operational history of the Site, and ConocoPhillips activities at the Site and interests in the Site, if any.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, ConocoPhillips is hereby requested to respond to the Information Request set forth in Enclosure A.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within 30 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties of up to \$67,544 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject ConocoPhillips to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

ConocoPhillips' response to this Information Request should be emailed to Lisa Ellis, EPA Region 4 Associate Regional Counsel, at Ellis.Lisa@epa.gov.

Due to the seriousness of the problem at the Site and the legal ramifications for failure to respond properly, EPA strongly encourages ConocoPhillips to give this matter its immediate attention and to respond to this Information Request within the time specified above. If you have questions about this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Lisa Ellis (404) 664-6963. Technical questions should be directed to Kevin Woodruff, Enforcement Project Manager, at (404) 562-8828.

Thank you for your cooperation in this matter.

Sincerely,

/s/ Lisa Ellis

Lisa Ellis
Associate Regional Counsel

Enclosure

cc: Kevin Woodruff, Enforcement Project Manager

ENCLOSURE A

INFORMATION REQUEST Barite Hill/Nevada Goldfields Superfund Site

INSTRUCTIONS

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to the Respondent(s) as of the date of submission of a response to this Information Request should later become known or available to the Respondent(s), the Respondent(s) must supplement its response to EPA. Moreover, should the Respondent(s) find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Respondent must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent(s) may contend that it includes possibly confidential information or trade secrets. Respondent(s) may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the Respondent(s). EPA advises that the Respondent(s) read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "Respondent" shall relate to and include the following entities: Continental Oil Company, Conoco Inc, ConocoPhillips, and/or any other predecessor, successor or related entity.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "Site" shall mean the property identified in Figure 1, including parcels 128-00-00-001, 128-00-00-003, 128-00-00-004, 128-00-00-005, and 128-00-00-038, in McCormick County, South Carolina.
4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number and email, present or last known home address and home telephone number and email, and present or last known job title, position or business.
5. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, email address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "identify" means, with respect to a document, to provide its customary - business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
7. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or interoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of

memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

8. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
10. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
11. The term "ore" shall be interpreted to mean all rocks and minerals (including soils, sands and gravels) which contain gold, silver, lead, zinc, copper, cadmium, chromium, aluminum, iron, molybdenum, arsenic, platinum, and sulfur.
12. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, a mineral interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. For each question below, identify the person or persons providing responsive information and include their contact information.
2. A review of title documents from the McCormick County Clerk of Court Office indicates that Continental Oil Company was the lessee of mineral rights at the Site from 1974 to 1997.
 - a. Describe the relationship between and/or among Continental Oil Company, Conoco Inc, and ConocoPhillips. Include the dates of any mergers, acquisitions, or name changes.
 - b. Describe the relationship between Continental Oil Company, Conoco, ConocoPhillips and any other affiliates to Rainsford and Sons or anyone from or representing the Rainsford family. Provide all documentation relating to this relationship.
3. Provide a general description of Respondent's business relationship or dealings related to the Site with the following entities. For each description, include relevant dates and documents:
 - a. Gold Fields Mining Corp.
 - b. Gold Fields Mining LLC.
 - c. Amselco Corp.
 - d. Amselco Minerals Inc.
 - e. Amselco Exploration, Inc.
 - f. Gwalia (USA) Ltd.
4. Provide copies of all records related to the Site involving Respondent's acquisition or transfer of property rights and/or mineral rights, including through purchase, exchange, lease, or any other form of property conveyance. Records should include, but not be limited to, any due diligence examination or environmental surveys, or any other records describing the condition of the surface or subsurface of the Site.
5. Describe Respondent's past and current legal or equitable interest(s) in the Site, including but not limited to ownership or leasehold of surface or mineral property rights. Indicate the date any such interest began and terminated if applicable. State specifically whether:

- a. Respondent claims or claimed any interest in the land or minerals at the Site. If so, describe the interest and date of initiation, and termination if applicable.
 - b. Respondents' representatives, employees, or agents, including contracted employees or representatives acting on behalf of Respondent, who accessed the Site. If so, state the dates of such access, and the reason or purpose for access.
 - c. Respondents' representatives, employees, or agents, including contracted employees or representatives acting on behalf of Respondent, who exercised control over, or participated in, operations or activities at the Site. Describe any of these activities and provide all documents related to such activities.
6. Describe any minerals exploration activities at the Site that were conducted by Respondent, at the direction of Respondent, or of which Respondent has knowledge. State the parcel at the Site on which the activities occurred, and whether such activities resulted in the exposure of sulfide ore and/or sulfidic felsic tuffs. Identify the individuals responsible for such activities at the Site and provide all documentation regarding these activities including, but not limited to, drilling logs and records with maps. See Figure 1 for a map of the Site and parcels.
7. Describe any mining activity at the Site that involved excavation, grading, filling, drilling, or other earth moving that was conducted by Respondent, at the direction of Respondent, or of which Respondent has knowledge. Describe those activities including the date of the activity and the area of the Site on which it occurred. Identify the individuals responsible for such activities at the Site.
8. Provide all documents pertaining to the exploration or mining activities discussed in questions 6 and 7. Records should include, but not be limited to, databases and information related to drill or bore hole locations, depths, and plugging; adits; bulk sampling; test heap leach pads, etc. Records should be provided in electronic format whenever possible.
9. Describe all waste materials that resulted from Respondent's or its affiliates/partners' operations at the Site including, but not limited to, waste rock, tailings, spent ore, and treatment plant sludges. State the quantities produced of each such waste. Describe where each such waste was disposed of. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.
10. At any time, did Conoco receive payments, royalties, or other proceeds related to mining activities at the Site? If so, provide the dates of such payments and any records pertaining to such payments.

11. Are there any persons, other than those you have already identified, who are or were associated with your company, who may be better able to answer any of these questions? If so, please provide those persons' names, current email addresses and current telephone numbers.

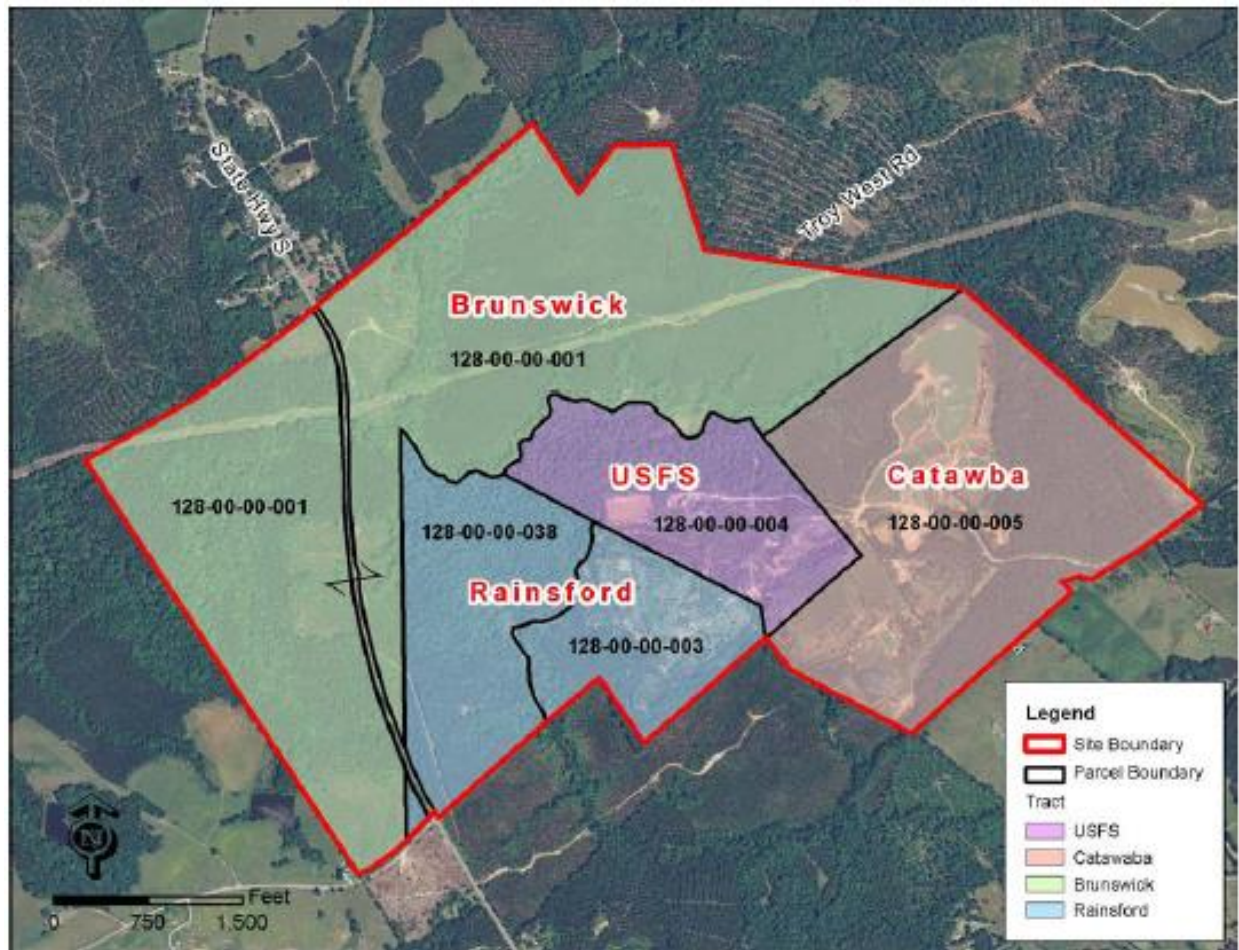


Figure 1. Map of Barite Hill Mine Site parcels and tracts near McCormick County, S.C.